

**CITY OF YUMA
CITY COUNCIL MINUTES**

**REGULAR MEETING
TUESDAY, AUGUST 21, 2018**

CALL TO ORDER – 7:30 P.M.

MEETING CALLED TO ORDER BY MAYOR HARPER AND THE PLEDGE OF ALLEGIANCE WAS RECITED.

MEMBERS PRESENT: Baucke, Harper, Hoch, McCall, Swehla. Goeglein and Saffer absent.

STAFF PRESENT: Scott Moore, Jonathon Lynch, Karma Wells, Kathryn Sellars.

CORRECTIONS OR ADDITIONS TO THE AGENDA

Clerk/Treasurer Wells stated there were no corrections or additions to the agenda, but Council Member Goeglein will be absent.

APPROVAL OF AGENDA

Baucke moved to approve the August 21, 2018, Agenda as presented. Second by McCall. Question. 5 ayes. Motion carried.

APPROVAL OF MINUTES

McCall moved to approve the July 17, 2018, Minutes as presented. Second by Hoch. Question. 5 ayes. Motion carried.

CITIZENS RECOGNITION AND INTRODUCTION/PUBLIC COMMENT

None.

ACTION ITEMS

- A. RESOLUTION #20, SERIES OF 2018 (LEASE WITH THE STATE OF COLORADO, ON BEHALF OF THE COLORADO STATE PATROL FOR A PORTION OF CITY HALL) – SCOTT MOORE.** Manager Moore stated the State Patrol requested to renew their lease. The lease is the same as before. Swehla moved to approve Resolution #20, Series of 2018. Second by McCall. Question. 5 ayes. Motion carried.
- B. RESOLUTION #21, SERIES OF 2018 (AGREEMENT WITH DACT, LLC FOR DRUG TESTING SERVICES) – SCOTT MOORE.** Manager Moore stated we reached out to DACT for drug testing services. We think we can save money and make it more convenient for the City. Baucke moved to approve Resolution #21, Series of 2018. Second by Hoch. Question. 5 ayes. Motion carried.
- C. RESOLUTION #22, SERIES OF 2018 (AGREEMENT WITH CMR MANAGEMENT AND CONSULTING FOR BUILDING INSPECTION SERVICES) – SCOTT MOORE.** Manager Moore stated services were terminated with our previous Building Inspector and we have reached out to Mr. Chad Rayl for Building Inspection Services. Baucke moved to approve Resolution #22, Series of 2018. Second by Swehla. Question. 5 ayes. Motion carried.
- D. POLICE POST GRANT FOR TRAINING – JONATHON LYNCH.** Police Chief Lynch stated the Police Department has been awarded \$9,607.00 for a POST Training Grant from the State of Colorado. This grant is to be used for training items. We have asked for an enclosed trailer, simunitions, and items

similar Lexipol that are used for training. Hoch moved to approve the Police POST Grant. Second by McCall. Question. 5 ayes. Motion carried.

- E. **PROCLAMATION FOR PROJECT BLUE LIGHT – KARMA WELLS.** Clerk/Treasurer Wells stated we have done this proclamation for the past 2 years. This proclamation is to honor fallen officers and those presently serving. The week observed will be September 2-8, 2018. Harper moved to approve the Proclamation for Project Blue Light. Second by Swehla. Question. 5 ayes. Motion carried.
- F. **FIRST READING ORDINANCE #18, SERIES OF 2018 (AMENDING SECTION 9.28.040, 9.40.101, AND 17.06.615 OF THE YUMA MUNICIPAL CODE RELATING TO ALCOHOL AND MEDICAL MARIJUANA TO BRING THE CODE UP TO DATE WITH CHANGES IN STATE LAW) – KATHRYN SELLARS.** Attorney Sellars explained the State Legislature reorganized Title 12 and they moved things in Title 12 to a different section. Therefore this ordinance makes these changes in our code. Baucke moved to approve on first reading Ordinance #18, Series of 2018. Second by Hoch. Question. 5 ayes. Motion carried.
- G. **FIRST READING ORDINANCE #19, SERIES OF 2018 (REPEALING CHAPTER 17.13 OF THE YUMA MUNICIPAL CODE CONCERNING HISTORIC PRESERVATION) – KATHRYN SELLARS.** Attorney Sellars stated earlier this year we adopted new regulations regarding historic preservation as the first step in setting up a Certified Local Government. This ordinance repeals the old regulations. Hoch moved to approve, on first reading, Ordinance #19, Series of 2018. Second by McCall. Question. 5 ayes. Motion carried.
- H. **FIRST READING ORDINANCE #20, SERIES OF 2018 (AMENDING VARIOUS SECTIONS OF THE YUMA MUNICIPAL CODE CONCERNING FEES AND OTHER ASSOCIATED REVISIONS, INCLUDING REMOVAL OF REFERENCES TO THE PUBLIC WORKS DEPARTMENT AND PUBLIC WORKS DIRECTOR IN TITLE 17) – KATHRYN SELLARS.** Attorney Sellars stated this ordinance takes the fees out of the code that we just moved into the Fee Schedule that was adopted. It also removed some references to the Public Works Director and changes it to the City Manager. Planning Commission has reviewed the ordinance. Swehla moved to approve on first reading Ordinance #20, Series of 2018. Second by Hoch. Question. 5 ayes. Motion carried.
- I. **FIRST READING ORDINANCE #21, SERIES OF 2018 (RESCINDING ORDINANCE #12, SERIES OF 2016, WHICH RENEWED A FRANCHISE WITH BCI JAMES CABLE, LLC) – SCOTT MOORE.** Manager Moore stated James Cable has requested to cancel their franchise. They have gone out of business in Yuma. This was brought to us a while ago, but they had not removed all their equipment from our poles. All the equipment is now removed and we are ready to cancel their franchise. Baucke moved to approve on first reading Ordinance #21, Series of 2018. Second by McCall. Question. 5 ayes. Motion carried.
- J. **RESOLUTION #23, SERIES OF 2018 (FACILITIES USE AGREEMENT WITH YUMA SCHOOL DISTRICT 1) – SCOTT MOORE.** Manager Moore stated this agreement was brought to us some time ago for a facility use agreement that the City would use for use of the school facilities. The use of the facilities is a necessity for our recreation programs. The traveling teams also use the facilities. The traveling teams will become part of the recreation program through the 7th and 8th grade travel teams. The rental is \$2,500 per year for the recreation programs and \$3,000 per year for the traveling teams. The school district will supervise the travel team activities. Swehla moved to approve Resolution #23, Series of 2018. Second by McCall. Question. 5 ayes. Motion carried.
- K. **APPROVAL OF SETTLEMENT WITH MCATEE CONSTRUCTION COMPANY CONCERNING THE MAIN STREET PROJECT – SCOTT MOORE AND KATHRYN SELLARS.** Attorney Sellars stated the City currently holds \$372,570.91 as 10% retainage for the Main Street Project. We have finally reached an agreement with McAtee and the final payout will be \$245,314.45. The City will retain the difference for the repairs that need made to the Main Street Project. Council would need to approve the agreement and authorize the Mayor to sign the agreement. Hoch moved to approve the settlement with McAtee Construction Company concerning the Main Street Project. Second by McCall. Question. 5 ayes. Motion carried.

- L. RATIFY PAYMENT OF BILLS FROM AUGUST 2, 2018 – KARMA WELLS.** Mayor Harper asked for approval of the payment of bills from August 2, 2018. Hoch moved to approve the bills from August 2, 2018. Second by Swehla. Question. 5 ayes. Motion carried.
- M. APPROVAL OF BILLS – KARMA WELLS.** Clerk/Treasurer Wells provided Council with an additional list of bills and disclosed a bill to Council Member Baucke. McCall moved to approve the bills. Second by Hoch. Question. 4 ayes. 1 abstain (Baucke). Motion carried.
- N. PURCHASES IN EXCESS OF \$5,000 – SCOTT MOORE.** Manager Moore requested approval of a purchase for fifteen additional 300 gallon garbage cans and five additional 300 gallon grass containers. We will likely get more in next year's budget. We also need lids. Five of the lids will be double lids because the Manor residents are unable to handle the bigger lids. Harper moved to approve the purchase. Second by Swehla. Question. 5 ayes. Motion carried.

ADDITIONAL BUSINESS

None.

REPORTS

CITY MANAGER, SCOTT MOORE

The Main Street Project revisions started yesterday. The latest estimate is approximately 3 weeks to completion. We are in close contact with the contractor.

The Pocket Park is being completed on Main Street. The gazebo, sod, and sprinklers are in. There will be 3 benches and a roof installed soon. We also will be replacing the sidewalk on the south side of the park. Council Member McCall is looking into a tree that would look good there.

The Third Avenue Project is completed.

CITY CLERK/TREASURER, KARMA WELLS

Clerk/Treasurer Wells provided Council with the finance report and the sales tax report.

Also, a memo regarding information from ICMA was provided to Council.

CHIEF OF POLICE, JONATHON LYNCH

Chief Lynch provided Council with the Police Report.

Chief Lynch stated Mr. Laybourn has started at the Police Academy. He should be done after Thanksgiving.

Officers are working on junk cars.

Our K-9 should be here and begin training around the 17th.

CITY MANAGER, SCOTT MOORE

Manager Moore also stated an Apprentice in attending Apprentice Training in Texas. Mr. Todd Harper is in the 90th percentile and is doing well. This is a two week process for 3 more years.

CITY COUNCIL REPORTS

Harper

- Mayor Harper stated Petain Avenue is in poor condition. Manager Moore stated the Street Department is waiting for the local asphalt plant to get up and running to repair the street. We will get asphalt from a different location if needed.

9. EXECUTIVE SESSION

“To hold a conference with the City’s attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402 (4)(b), regarding Charter matters.

Attorney Sellars stated Council would meet in executive session to hold a conference with the City’s attorney to receive legal advice on specific legal questions pursuant to C.R.S. § 24-6-402 (4)(b), regarding Charter matters. Harper moved to go into executive session. Second by McCall. Question. 5 ayes. Motion carried.

Council resumed regular session at 8:12 P.M. Attorney Sellars made a statement for who was present in executive session and there were no objections to the discussions in executive session.

ADJOURNMENT

McCall moved to adjourn. Second by Swehla. Question. 5 ayes. Motion carried.

Robert J. Harper
Mayor

Karma Wells, CMC
City Clerk/Treasurer